

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 4:21-CR-00129-01-LPR

CLIFFORD CRISWELL, JR.

DEFENDANT


ORDER

Defendant's Motion to Reduce Sentence (Doc. 73) is DENIED.

Defendant requests a sentence reduction based on guideline Amendment 821's retroactive changes to "status points." Although Defendant received status points, he was sentenced as a career offender, which means his criminal history score remains VI and his guideline range is unchanged.¹

Additionally, Defendant's plea agreement provides that he "waives the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2)" ² Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.³

IT IS SO ORDERED this 23rd day of January, 2024.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ See U.S.S.G 1.10 (a)(2) ("Exclusions.—A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant's applicable guideline range.").

² Doc. 51.

³ *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582 (c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).